

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC.	)	
and HONEYWELL INTELLECTUAL	)	
PROPERTIES INC.,	)	
	)	
Plaintiffs,	)	
	)	C.A. No. 04-1338- JJF
v.	)	(Consolidated)
	)	
APPLE COMPUTER, INC., et al.,	)	
	)	
Defendants.	)	

**STIPULATION AND ORDER TO FURTHER AMEND SCHEDULING ORDER NO. 2**

IT IS HEREBY STIPULATED BY THE PARTIES, subject to the approval of the Court, that Scheduling Order No. 2 entered June 11, 2007 (D.I. 838 in C.A. No. 04-1338-JJF; D.I. 277 in C.A. No. 04-1337-JJF, and D.I. 128 in C.A. No. 04-1536-JJF), as amended on September 4, 2007 (D.I. 863 in C.A. No. 04-1338-JJF; D.I. 285 in C.A. No. 04-1337-JJF, and D.I. 137 in C.A. No. 04-1536-JJF), and as amended on October 26, 2007 (D.I. 898 in C.A. No. 04-1338-JJF; D.I. 298 in C.A. No. 04-1337-JJF, and D.I. 148 in C.A. No. 04-1536-JJF), and as amended on December 12, 2007 (D.I. 937 in C.A. No. 04-1338-JJF; D.I. 303 in C.A. No. 04-1337-JJF, and D.I. 152 in C.A. No. 04-1536-JJF), be further amended as follows with respect to certain matters addressed at the status conference conducted by the Court on April 2, 2008:

1. **Markman**. The parties shall serve and file opening claim construction briefs on or before April 25, 2008. The parties shall serve and file responsive claim construction briefs on or before June 2, 2008. A *Markman* hearing will be held on Thursday, July 10, 2008 at 11:00 a.m. in Courtroom No. 4B on the 4<sup>th</sup> Floor, Boggs Federal Building, Wilmington, Delaware. See 04/16/2008 docket entry in C.A. No. 04-1338-JJF. The Court, after reviewing the briefing, will allocate time to the parties for the hearing.

2. **Case-Dispositive Motions.** With the exception of the limited leave provided to the Citizen Defendants, the filing of dispositive motions and other papers, if any, shall be deferred pending the Court's decision on claim construction, at which time a schedule for future filings will be established.

3. **Additional Submissions.** Plaintiffs shall submit a letter brief in support of their proposal to reconfigure the posture of this consolidated action, as established by the original Scheduling Order entered by Judge Jordan on March 28, 2006 (D.I. 376), no later than May 16, 2008. Defendants shall submit their response no later than May 30, 2008, consistent with the transcript from the April 2, 2008 hearing (D.I. 320 in C.A. No 04-1337-JJF). After these submissions, Delaware counsel for Plaintiffs shall email the Court asking for an in-person hearing date.

No other provisions of Scheduling Order No. 2 (as modified as described above) are affected by this Stipulation and Order.

Dated this 16<sup>th</sup> day of May 2008.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP  
*/s/ Thomas C. Grimm*

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Thomas C. Grimm (#1098)  
Benjamin J. Schladweiler (#4601)  
1201 N. Market Street  
P.O. Box 1347  
Wilmington, DE 19899-1347  
(302) 658-9200  
tgrimm@mnat.com  
*Attorneys for Honeywell International Inc.  
and Honeywell Intellectual Properties Inc.*

ASHBY & GEDDES  
*/s/ Lauren E. Maguire*

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Steven J. Balick (#2114)  
John G. Day (#2403)  
Lauren E. Maguire (#4261)  
500 Delaware Avenue, 8<sup>th</sup> Floor  
P.O. Box 1150  
Wilmington, DE 19801  
(302) 654-1888  
lmauire@ashby-geddes.com  
*Attorneys for Honeywell International Inc.  
and Honeywell Intellectual Properties Inc.*

YOUNG CONAWAY STARGATT & TAYLOR, LLP

*/s/ Karen L. Pascale*

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Karen L. Pascale (#2903)  
Karen E. Keller (#4489)  
The Brandywine Building  
1000 West Street, 17th Floor  
Wilmington, DE 19801  
(302) 571-6600  
kpascale@ycst.com  
*Attorneys for Optrex America, Inc.*

POTTER, ANDERSON & CORROON

*/s/ Philip A. Rovner*

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Philip A. Rovner (#3215)  
6<sup>th</sup> Floor, Hercules Plaza  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19801  
(302) 984-6000  
provner@potteranderson.com  
*Attorneys for FUJIFILM Corporation  
and FUJIFILM U.S.A. Inc.*

POTTER, ANDERSON & CORROON

*/s/ Richard L. Horwitz*

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Richard L. Horwitz (#2246)  
David E. Moore (#3983)  
6<sup>th</sup> Floor, Hercules Plaza  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19801  
(302) 984-6000  
rhorwitz@potteranderson.com  
*Attorneys for Samsung SDI Co., Ltd.  
and Samsung SDI America, Inc.*

BOUCHARD MARGULES & FRIEDLANDER, P.A.

*/s/ David J. Margules*

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David J. Margules (#2254)  
222 Delaware Avenue,  
Suite 1400  
Wilmington, DE 19801  
(302) 573-3500  
dmargules@bmf-law.com  
*Attorneys for Citizen Watch Co. Ltd.  
and Citizen Displays Co. Ltd.*

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2008

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UNITED STATES DISTRICT JUDGE

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